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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/048,686	03/26/1998	WAIL M. REFAI	P-4015.108/E	4551

7590 12/19/2001

DAVID E BENNETT  
RHODES COATS & BENNETT  
P O BOX 5  
RALEIGH, NC 27602

EXAMINER

RAO, SEEMA SRINIVAS

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/048,586

Applicant(s)

REFAI, WAIL M.

Examiner

Seema S Rao

Art Unit

2661

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 1, 2001, has been entered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by McCalley et al. (U. S. 4,829,372)

Regarding claim 19, a broadband receiver is anticipated by the Presentation player of a broadcast system. (Fig. 3) a first signal processing means for demodulating and decoding a received narrowband index signal to extract addressing information contained in the index signal, anticipated by elements 68 and 70 in Fig. 3. (also refer to col. 8, line 66-17. A second signal processor means for demodulating and decoding a

Art Unit: 2661

received broadband primary data signal, anticipated by the frequency agile broadband receiver, elements 74 and 78. Also refer to col. 9, lines 20-29.

Control means for selectively activating second signal processing means based on addressing information in index signal, is anticipated by the Receiver controller 72 in Fig. 3, also refer to col. 9, lines 18-20. The tuning information based on the subscriber information is interpreted as the addressing information.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCally

The reference, McCally teaches all of the limitations of claim 20 except for the input buffer for storing the received primary data before demodulating and decoding. Examiner takes an official notice that the concept and the advantages of an input buffer is an input buffer in a receiver is well known in the art of a communication receiver. Therefore, it would have been obvious to one of ordinary skill in the art to modify the broadband receiver of McCally with an input buffer. Motivation is one of many for synchronization purpose, flow control for proper processing of the incoming information or for scheduling purpose.

Art Unit: 2661

5. Claims 1, 3-8, 10, 12-18 are allowed over the prior art. Prior art of the records does not teach a relay station between a broadcast service provider and a subscriber, extracting an index signal from a primary broadband signal containing a address and program time related information for a subscriber and relaying to the subscriber on a narrowband as signaling information. Subsequently transmitting primary information to the subscriber on a broadband channel, as in claims 1, 8, and 17. Claims 3-7, 10, 12-16, and 18 are allowable as they depend on the allowable claims 1 and 17 respectively.

#### *Response to Arguments*

Applicants arguments filed with the amendment has been noted and carefully reviewed. The limitations of claims 19 and 20 are broad enough to be covered by any receiver with two type of receiving means. For instance, the McCally reference teaches a relay station with narrowband and broadband receivers for control signaling and main broadband information respectively. The other claims are indicated allowable in light of the arguments and the prior art record.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S Rao whose telephone number is 703-308-5463. The examiner can normally be reached on 6.30-3.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone

Application Number: 09/048,686

Page 5

Art Unit: 2661

numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

*Seema S. Rao*  
Seema S Rao  
Primary Examiner  
Art Unit 2661

December 14, 2001